

Before the  
**Federal Communications Commission**  
Washington, DC 20554

In the Matter of	)	
	)	
Broadcast Localism	)	MB Docket No. 04-233
	)	
	)	

To: Office of the Secretary  
Attn: The Commission

**COMMENTS**

East Kentucky Broadcasting, the licensee of WLSI-AM, pursuant to *Report on Broadcast Localism and Notice of Proposed Rulemaking*, FCC 08-218, MB Docket No. 04-233, released January 24, 2008, hereby submits its comments in this proceeding regarding the FCC's several proposed rule changes designed to enhance broadcast localism and diversity, to increase and improve the amount and nature of broadcast programming that is targeted to the local needs and interests of a broadcast station's community of service, and to provide more accessible information to the public about broadcasters' efforts to air such programming.<sup>1</sup>

**A. COMMUNICATION BETWEEN LICENSEES AND THEIR COMMUNITIES**

*1. Enhanced Disclosure and Renewal Application Pre- and Post-Filing Announcements.* We believe that requiring radio licensees to be subject to the

enhanced disclosure requirements that are the same or similar to television licenses is arbitrary and unnecessary. Has a study been conducted to determine whether television stations are better serving the public interest due to additional reporting? If it is the intent of the FCC to unearth and encourage dissension and complaints, then adding website announcements and providing an FCC link are a good way to go about it. It is well-known that those who have a negative comment are more likely to register it than those who are satisfied. The information to the public about filing is currently made available in an appropriate manner. To increase the effort will merely serve to encourage negativity, without regard to the many positive impressions that exist, albeit quietly. While the FCC notes that it received some 83,000 written submissions, we note that the United States population is in excess of 300 million. This means the FCC has arrived at its conclusions based on the comments of .03% of the population. Perhaps we should consider that 99.97% of the population is content with the state of radio broadcasting in America. It is our belief that that majority should rule – not the vocal minority.

2. *Community Advisory Boards.* It is important that this issue be looked at in regards to small market broadcaster owner/operators. Most small market broadcasters live in the market in which they operate, and many were born and raised in their markets – we belong to civic clubs, serve as volunteers for the Red

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<sup>1</sup> By *Public Notice*, DA 08-515, released March 6, 2008, time for filing comments in this proceeding

Cross, and sit on the boards of local hospitals and the March of Dimes. If there is a lack of communication between licensees and their communities, we respectfully submit that it is occurring in large markets with absentee licensees. Small market owner/operators have a vested interest in addressing local issues, and we have found throughout the years that the best way to be commercially successful is to be responsible to our communities' needs. In fact, when the FCC required that licensees take community surveys to determine the public's best interest, we found that local citizens thought it a ridiculous waste of time. Those we surveyed were essentially our next-door neighbors, and they were convinced that our stations were well-informed and were more than adequately serving the public interest. We believe it is imperative that the FCC not attempt to apply blanket rules to local small market owner/operators that are designed to deal with large absentee owners.

3. *Remote Station Operation.* It appears that the FCC is attempting to return the radio station business model of the 1940s and '50s. The Federal Communications Commission does not operate as it did then, nor can radio station licensees. Broadcasting has evolved – in response to the marketplace and to our local communities needs – and now serves the public interest, often with automated broadcast operations. We respectfully ask: how does an entry-level employee being on-site from midnight to 6 am keep a radio station in touch with the community?

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was extended to April 28, 2008. Accordingly, these comments are timely filed.

Our company currently does provide 24/7 staffing, but we frankly resent being required to do so. This particular proposal would seal the fate of countless local AM stations. If the FCC is looking for a way to close out the AM dial, requiring 24/7 staffing would be a good way to go about it.

## **B. NATURE AND AMOUNT OF COMMUNITY-RESPONSIVE PROGRAMMING**

4. *Local Programming Renewal Application Processing Guidelines.* Is the FCC proposing that national standards be established in the area of locally oriented programming? Otherwise, what purpose is served by the gathering of minute detail regarding a radio station's local programming? The very diversity of radio programming is what makes it so strong – and such an important asset to the local community. We do not believe the FCC should be in the business of programming radio stations.

5. *Main Studio Rule.* This proposal is not applicable to small market broadcasters. We implore the FCC to distinguish between small market owner/operators and large market absentee owners. Small market broadcasters may be licensed to tiny communities that do not even have incorporated boundaries. When the studio is located a few miles away in an established neighboring community, we are still “in the neighborhood”. The distinction should be made for

large market absentee operators who may be broadcasting from several states away.

6. *AM Use of FM Translators.* We ask the FCC – what damage is done if an AM station increases its coverage without any technical interference, thereby better serving the public?

### C. PAYOLA/SPONSORSHIP IDENTIFICATION

7. *Voice-Tracking.* Voice tracking within your own market does not diminish your service to that market. We believe that most of the FCC's proposed rule changes are in response to the large movement of corporate groups operating hundreds of stations. These groups have not – in general – even bought small market stations. When they have gone into small markets, large companies have quickly sought to sell. To be successful in a small market, you must be invested locally and serve the public's best interest. Exceptions must be made for owner/operators who live within 50 miles of the market in which they operate. When the station owner/operator lives in his or her community, these issues are moot.

8. *National Playlists.* It is not the business of the FCC to determine programming. Being "local" does not necessarily mean "qualified to be on the air". We believe the FCC should be able to evaluate whether or not a station is operating

in the public interest without being involved in programming. We respectfully submit that the FCC should simply have each licensee describe how they are serving the public interest. This would streamline the process, and weed out those stations who are not able to adequately describe their public involvement.

In conclusion, East Kentucky Broadcasting submits that the above comments should be taken into consideration by the Commission in issuing its decision in the above-referenced proceeding.

Respectfully submitted,

Walter E. May, Chairman of the

Board

East Kentucky Broadcasting

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